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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/802,575

03/16/2004

Michihiko Sasaki

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07/12/2006

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER

DONELS, JEFFREY

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,575

Applicant(s)

SASAKI, MICHIIKO

Examiner

Jeffrey Donels

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20060614.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Applicant's arguments, filed 1/23/06, with respect to the rejection(s) of claim(s) 1-12 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4,5,7-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Steiger (USPGP 2003/0154842) in view of Martinez (USP 4236191).

Regarding Claim 1, Steiger discloses a guitar-like electronic musical instrument which comprises a sounding section 43 provided in a substantial central portion of a body of said electronic musical instrument 61 corresponding to a sound hole of a stringed musical instrument; a plurality of performance operators 14 provided on the body for performing tone-generation instructing operation corresponding to operation of a string on the stringed musical instrument and a tone generating processing section that generates a tone through said sounding section in response to operation of any one of said performance operators (para 0029). Steiger does not explicitly disclose a light emitting section provided in proximity to said performance operators and in a position

corresponding to said sounding section and a light emission control section that controls light emission of said light emitting section.

Martinez discloses an illuminated musical instrument which comprises a light emitting section (fiber optic ends 82 around sound hole 60) provided in proximity to performance operators (strings) and in a position corresponding to said sounding section (sound hole) and a light emission control section 32 that controls light emission of said light emitting section.

It would have been obvious to one of ordinary skill in the art to adapt the teachings of Steiger with those of Martinez, so as to allow for a pleasing visual effect.

Regarding Claims 11-13, the Steiger/Martinez combination does not explicitly disclose a light emitting section provided in a continuous shape. It has been held that the making continuous of a limitation does not constitute nonobviousness (*In re Dilnot*, 319 F.2d 188, 138 USPQ 248 (CCPA 1963)).

Claims 2,3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiger in view of Martinez as applied to claim 1 above, and further in view of Haake (USP 5796025).

The Steiger/Martinez combination as applied above discloses all features claimed but does not explicitly disclose that a light emission control section controls the light emission of said light emitting section in accordance with a performance tempo or a state of operation of the performance operator.

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Haake discloses an illuminated electric stringed instrument which comprises a light emission control section controls the light emission of said light emitting section in accordance with a performance tempo or a state of operation of the performance operator (Col. 11, lines 13-22, line 64 – Col. 12 line 5).

It would have been obvious to one of ordinary skill in the art to adapt the Steiger/Martinez teachings with those of Haake, so as to allow for a more musically synchronized visual performance.

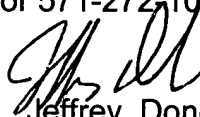
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aiba (USPGP 2004/0139847) is further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 571-272-2061. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-2800 ext 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey Donels
Primary Examiner
Art Unit 2837